

**SIXTEENTH DAY.**

Senate Chamber,  
Austin, Texas,

Friday, May 17, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro tem Eugene Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	McFarlane.
Berkeley.	Miller.
Cousins.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Pollard.
Greer.	Patton.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.

**Absent.**

Russek.	Woodward.
Stevenson.	Wirtz.

**Absent—Excused.**

Parr.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator DeBerry.

**Committee Reports.**

(See Appendix).

**Senators Excused.**

On motion of Senator Russek, Senators Wirtz, Woodward, and Parr were excused for the day on account of important business.

**Bills Signed.**

The Chair, President Pro Tem Eugene Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 44.	S. B. No. 16.
S. B. No. 100.	S. B. No. 111.
S. B. No. 99.	S. B. No. 114.
S. B. No. 42.	S. B. No. 115.
S. B. No. 54.	S. B. No. 66.
S. B. No. 104.	S. B. No. 26.
S. B. No. 109.	S. B. No. 25.
S. B. No. 134.	S. B. No. 24.

S. B. No. 9.	H. B. No. 161.
S. B. No. 87.	H. B. No. 107.
H. B. No. 51.	H. B. No. 119.
H. B. No. 20.	H. B. No. 180.
H. B. No. 36.	

**Messages from the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives  
Austin, Texas, May 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 120 by a vote of 98 yeas, 4 nays and 3 present and not voting. The House has concurred in Senate Amendments to H. B. No. 175 by a viva voce vote. The House has concurred in Senate Amendments to H. B. No. 180 by a vote of 100 yeas, 0 nays and two present and not voting.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives  
Austin, Texas, May 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. Hornaday:

H. B. No. 181, A bill to be entitled "An Act to amend Article 2372 of Title 44, Revised Civil Statutes of Texas of 1925, providing for pay of court interpreters and prescribing such."

By Mr. Hornaday:

H. B. No. 183, A bill to be entitled "An Act fixing the salary of the county commissioners of certain counties according to the tax rolls of 1928 on file in the office of the State Comptroller, repealing all laws in conflict therewith, and declaring an emergency."

By Mr. Gilbert:

H. B. No. 211, A bill to be entitled "An Act authorizing the commissioners court of any county in this State having a population of not less than 11,800 and not more than 12,000, according to the last preceding Federal census, to pay a bounty on wolves, wildcats, and

other predatory animals within said counties, and providing for the levy of taxes at a rate not to exceed one-fourth of one mill on the total assessed valuation of the county for the purpose of creating a fund out of which to pay said bounties, and declaring an emergency."

Respectfully submitted,  
**LOUISE SNOW PHINNEY,**  
 Chief Clerk, House of Representatives.  
 Hall of the House of Representatives  
 Austin, Texas, May 17, 1929.  
 Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 84, A bill to be entitled "An Act to repeal Article 1066, Title 15, Chapter 4, Code of Criminal Procedure of Texas, 1925, and declaring an emergency."

H. B. No. 104 A bill to be entitled "An Act relating to the practice of barbering; providing who shall practice barbering, who shall serve as a barber student and barber's assistant, and requiring the certificate as a registered barber and a certificate of registration as a student and assistant barber, and providing for qualifications of a barber and a student and assistant barber, and the qualifications of a barber and assistant barber shall possess in order to receive a certificate and to practice barbering," etc.

H. B. No. 192, A bill to be entitled "An Act dealing with the compensation of grand jury bailiff's pay of Bexar county, Texas, and declaring an emergency."

Respectfully submitted,  
**LOUISE SNOW PHINNEY,**  
 Chief Clerk, House of Representatives.  
 Hall of the House of Representatives  
 Austin, Texas, May 17, 1929.  
 Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 122, A bill to be entitled "An Act to provide for the sexual sterilization of inmates of State institutions in certain cases; prescribing the method of procedure and fixing the duties of officials concerned therewith, and declaring an emergency."

Engrossed Rider.  
**LOUISE SNOW PHINNEY,**  
 Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
 Austin, Texas, May 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 85, A bill to be entitled "An Act to amend Article 1052, Title 15, Chapter 3, Code of Criminal Procedure of Texas, 1925, as amended by Chapter 104, Acts of the Forty-first Legislature, Regular Session, by omitting therefrom the concluding portion of Section 1 relating to the taxing, collecting and paying into the Treasury of fines and costs heretofore authorized for justices of the peace or judges, and declaring an emergency."

H. B. No. 86, A bill to be entitled "An Act to amend Article 1074, Title 15, Chapter 4, Code of Criminal Procedure of Texas, 1925 amended by Chapter 236, Acts of the Regular Session of the Forty-first Legislature, so as to provide a trial fee of five dollars in both the justice and the trial courts in misdemeanor cases, and declaring an emergency."

Respectfully submitted,  
**LOUISE SNOW PHINNEY,**  
 Chief Clerk, House of Representatives.  
 Hall of the House of Representatives,  
 Austin, Texas, May 17, 1929.  
 Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 215, A bill to be entitled "An Act creating a more efficient road system for Hutchinson County, Texas; etc., and declaring an emergency."

H. B. No. 220, A bill to be entitled "An Act validating the actions of the county board of school trustees in changing boundary lines of common school districts in counties having a population of not less than 9000 nor more than 9010 according to the United States Federal census of 1920; giving the county board of school trustees in all counties authority to make changes in all common school districts; to create common school districts; providing in case any provision of this Act shall be held unconstitutional or invalid then such holdings shall not affect

the remaining provisions, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 62 A bill to be entitled "An Act authorizing the Board of Regents of the College of Industrial Arts to make contracts for the erection of dormitories; etc., and declaring an emergency."

H. B. No. 217, A bill to be entitled "An Act prescribing the kind of tackle and method for taking fish in the fresh waters in certain counties and prohibiting all other tackle; prohibiting possession of any tackle not authorized by this Act within two hundred yards of any fresh waters mentioned herein; prohibiting the sale, offering for sale or having in possession for the purpose of sale of certain species of fish in said counties; providing a closed season or period of time when it shall be unlawful to take fresh water fish; making it unlawful to possess certain species of fish of less length than specified in this Act; prescribing a penalty; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

H. B. No. 221, A bill to be entitled "An Act creating and establishing Cameron County Water Improvement District No. 10, in Cameron County, Texas, as a conservation and reclamation district, under the provisions of Section 59 of Article 16 of the Constitution of Texas, for the purpose of the reclamation and irrigation of its arid, semi-arid and other lands needing irrigation, reclamation and drainage of its overflowed lands, and other lands needing drainage, and all other purposes as contemplated by said Section 59, of Article 16, of the Constitution of this State, to be governed by the provisions of Chapter 2, Title 128, of the Revised Civil Statutes of Texas, Revision of 1925, and acts amendatory thereof and supplementary thereto; describing said district by metes and

bounds, etc., and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bills Referred.

H. B. No. 217 referred to Committee on State Affairs.

H. B. No. 221 referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 220 referred to Committee on Educational Affairs.

H. B. No. 215 referred to Committee on State Highways and Motor Traffic.

H. B. No. 104 referred to Committee on Public Health.

H. B. No. 192 referred to Committee on State Affairs.

H. B. No. 84 referred to Committee on Criminal Jurisprudence.

H. B. No. 122 referred to Committee on Public Health.

H. B. No. 85 referred to Committee on Criminal Jurisprudence.

H. B. No. 86 referred to Committee on Criminal Jurisprudence.

#### Motion To Set Special Order.

Senator Parrish moved to set S. B. No. 61 as special order for 2:30 o'clock p. m. today.

Senator Pollard raised the point of order that the motion was out of order because it would suspend the present special order now under consideration and that a motion must first be made to suspend the special order in order to make the motion to set a special order.

The Chair, Senator McFarlane, sustained the point of order.

Senator Parrish withdrew his motion.

#### House Bills Referred.

H. B. No. 183 referred to Committee on State Affairs.

H. B. No. 181 referred to Committee on State Affairs.

H. B. No. 211 referred to Committee on State Affairs.

#### House Bill No. 100.

The Chair laid before the Senate on second reading the following bill:

H. B. No. 100, A bill to be entitled "An Act amending Article 879 of the 1925 Penal Code, as amended

and provided for in H. B. No. 161, Chapter 215, page 316, Regular Session of the Fortieth Legislature, so as to provide an open season or period of time when it shall be lawful to kill wild mourning doves in the north zone and in the south zone; excepting certain counties therefrom, and providing for an open season or period of time in which it shall be lawful to take or kill wild mourning doves in such excepted counties, and declaring an emergency."

The committee report was adopted.

The bill was read second time.

Senator McFarlane sent up the following amendment:

Amend H. B. No. 100 by adding the following counties to Article 879:

Young, Archer, Baylor, Wichita, Clay, and Knox, shall be between September 15 and including November 1.

McFARLANE.

Read and adopted.

The bill as amended passed to third reading.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 100 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Parr.	Wirtz.
Russek.	Woodward.

Read third time and finally passed.

Senate Bill No. 82.

The Chair laid before the Senate on second reading the following bill:

By Senators Russek and Holbrook:

S. B. No. 82, A bill to be entitled

"An Act creating and defining by metes and bounds, Road District No. 3 of Colorado County, Texas, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 82 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.

Absent.

Parr.	Woodward.
Wirtz.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.

Absent.

Parr.	Woodward.
Wirtz.	

Senate Bill No. 22.

The Chair laid before the Senate on second reading the following bill:

By Senators Beck and Cunningham:

S. B. No. 22, A bill to be entitled

"An Act establishing a State Sanitary Code which provides for the prevention and control of diseases; etc., and declaring an emergency."

The committee report carrying amendments was adopted.

The bill was read second time.

Senator Beck sent up the following amendment:

Amend S. B. No. 22 by striking out Paragraph (E) of Article 5, Section 3, Chapter II, relative to vaccination against small-pox, and by striking out Article 4, Section 12, Chapter III, relative to trespassing, hunting, fishing on public reservoir.

BECK.

Read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 22 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.

Absent.

Parr.	Woodward.
Wirtz.	

Read third time and finally passed.

#### House Bill No. 155.

The Chair laid before the Senate as special order the following bill:

By Mr. Beck:

H. B. No. 155, A bill to be entitled "An Act to amend Sections 1, 4, 8, 14 and 15 of House Bill No. 50 of the Acts of the Regular Session of the Fortieth Legislature, 1927, and adding a new section, Section 11a, thereto, so as to more accurately define the term motor bus company."

Senate Pollard raised the point of

order that the bill had been set as special order immediately after the morning call and the morning call would not be concluded until all Senate bills on the calendar had been disposed of as this was Senate Bill day.

The Chair, President Pro Tem Eugene Miller, overruled the point of order.

The Committee report carrying a substitute bill was adopted.

The bill was read second time.

Senator Miller sent up the following amendment:

Amend H. B. No. 155, by adding Section 6-a, to read as follows:

Section 6-a. All fees collected under the provisions of this Act shall be placed in the general revenue fund of State Treasury to be used in paying the expenses of State Government.

MILLER.

The amendment was read.

Senator Miller called for a full reading of the bill.

Senator Love raised the point of order that the record showed that the bill had been read second time.

Senator Pollard raised the point of order that any member of the Senate could demand a full reading of the bill whether it had been read second time or not.

The Chair, Senator McFarlane, sustained Senator Pollard's point of order.

Senator Love raised the point of order that by calling for a full reading of the bill, Senator Miller would yield the floor.

The Chair sustained the point of order.

Senator Miller withdrew his request for a full reading of the bill.

Senator Hornsby raised the point of order that the request for a full reading could not be withdrawn without unanimous consent.

The Chair ruled that no action had been taken on the request and that it could therefore be withdrawn without unanimous consent.

Senator Witt moved the previous question on the amendment and the engrossment of the bill. The motion prevailed by the following vote:

Yeas—20.

Berkeley.	Hardin.
Gainer.	Holbrook.

Hornsby.	Patton.
Hyer.	Small.
Love.	Stevenson.
<b>Martin.</b>	Westbrook.
Miller.	Williamson.
Moore.	Witt.
Neal.	Woodul.
Parrish.	

Nays—3.

Cunningham.	Pollard.
DeBerry.	

Present—Not Voting.

Cousins.	McFarlane.
----------	------------

Absent.

Beck.	Thomason.
Greer.	Wirtz.
Parr.	Woodward.
Russek.	

Senator Hornsby raised the point of order that Senator Miller was resorting to dilatory tactics.

The Chair, Senator McFarlane, overruled the point of order.

Senator DeBerry moved that the Senate recess until 2:00 o'clock.

The Chair ruled that a motion to recess was in order while operating under the previous question provided the Senator wishing to make the motion obtains recognition by the Chair.

#### Recess

Senator Miller agreed to yield to Senator Greer for a motion to recess until 2.00 o'clock. The motion prevailed, and at 12:55 o'clock p. m., the Senate recessed.

#### After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess and was called to order by Senator McFarlane, acting president.

Senator Miller raised the point of order that no quorum was present. The roll call showed 17 present.

Senator Witt moved a call of the Senate. The call was ordered.

A quorum was established before the call became necessary.

#### House Bill No. 155.

The question recurred upon the adoption of the amendment to H. B. No. 155.

The amendment was lost by the following vote:

Yeas—3.

Cousins.	Miller.
<b>McFarlane.</b>	

Nays—19.

Berkeley.	Neal.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Small.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodul.
Moore.	

Present—Not Voting.

Beck.	Thomason.
-------	-----------

Absent.

Cunningham.	Stevenson.
Parr.	Wirtz.
Russek.	

(Pairs Recorded.)

Senator DeBerry (present), who would vote yea, with Senator Woodward (absent), who would vote nay.

The bill passed to engrossment.

Senator Pollard moved the previous question on the motion by Senator Witt to suspend the constitutional rule requiring bills to be read on three several days and to put H. B. No. 155 on its third reading and final passage. The motion prevailed.

The constitutional rule failed to be suspended by the following vote:

Yeas—21.

Beck.	Parrish.
Berkeley.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Moore.	Woodul.
Neal.	

Nays—6.

Cousins.	Martin.
Cunningham.	<b>McFarlane.</b>
DeBerry.	Miller.

Absent.

Parr.	Wirtz.
Russek.	Woodward.

(Four-fifths vote required.)

#### Senate Bill No. 93.

The Chair laid before the Senate

as special order the following bill:  
By Senator Moore:

S. B. No. 93, A bill to be entitled  
"An Act declaring that the business  
of manufacturing, delivering and  
distributing ice is affected with a  
public interest and prescribing how  
the conduct of such business shall  
be regulated in the public interest,  
etc., and declaring an emergency."

The bill was read second time.

Senator Moore sent up the follow-  
ing amendment:

Amend S. B. No. 93, Page 2, Line  
10 after semi-colon: The sale price  
of ice shall be based on the actual  
value of the physical properties of  
the plant used to manufacture ice  
plus a reasonable amount for good  
will or going concern value, said  
amount to be determined by the  
Railroad Commission, allowing the  
manufacturer of ice a fair return  
on the investment, not to exceed 10  
% per annum. The actual value of  
the physical properties of the ice  
manufacturing plants in the State  
of Texas shall be determined by  
competent engineers appointed by  
the Railroad Commission, whose  
salaries shall be fixed by the Rail-  
road Commission.

MOORE.

The amendment was read.

Senator Woodul sent up the fol-  
lowing amendment to the amend-  
ment:

Amend the amendment by elimi-  
nating the words "good will or go-  
ing concern value" in lines four and  
five and substituting the figure 7%  
in lieu of the figure 10% in line 7.

WOODUL.

The amendment to the amend-  
ment was read.

Senator Moore moved to table the  
amendment.

Senator Love called for a divi-  
sion of the question.

The motion to table the first part  
of the amendment prevailed by the  
following vote:

Yeas—15.

Reck.	Patton.
Berkeley.	Russek.
Gainer.	Stevenson.
Hardin.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Moore.	Witt.
Parrish.	

Nays—13.

Cousins.	McFarlane.
Cunningham.	Miller.
DeBerry.	Neal.
Greer.	Pollard.
Holbrook.	Small.
Love.	Woodul.
Martin.	

Absent.

Parr.	Woodward.
Wirtz.	

The motion to table the second  
part of the amendment prevailed by  
the following vote:

Yeas—18.

Beck.	Neal.
Berkeley.	Parrish.
Gainer.	Patton.
Hardin.	Russek.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
Moore.	Witt.

Nays—10.

Cousins.	McFarlane.
Cunningham.	Miller.
DeBerry.	Pollard.
Greer.	Small.
Holbrook.	Woodul.

Absent.

Parr.	Woodward.
Wirtz.	

The amendment by Senator Moore  
was adopted.

Senator McFarlane sent up the  
following amendment:

Amend S. B. No. 93 by adding to  
the end of Sec. 2, Provided that the  
provisions of this bill shall not ap-  
ply to any municipally owned ice  
plant nor shall this bill be inter-  
preted to give any vested or con-  
tinuous right in any utility af-  
fected by this bill nor shall anyone  
ever be prohibited from installing  
an ice plant anywhere at any time.

McFARLANE.

The amendment was read.

Senator Moore called for a division  
of the question.

The first part of the amendment  
was adopted.

Senator Moore moved to table the  
last part of the amendment. The  
motion prevailed by the following  
vote:

## Yeas—14.

Beck.	Parrish.
Berkeley.	Patton.
Gainer.	Russek.
Hardin.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Moore.	Witt.

## Nays—8.

Cousins.	Holbrook.
Cunningham.	McFarlane.
DeBerry.	Small.
Greer.	Woodul.

## Present—Not Voting.

Love.	Neal.
Martin.	Pollard.
Miller.	

## Absent—Excused.

Parr.	Wirtz.
Thomason.	Woodward.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 93, by inserting after the word "ice" wherever it appears in the Bill the words "and gasoline."

## HOLBROOK.

Senator Moore raised the point of order that the amendment was not germane to the bill. The point of order was sustained.

Senator Moore moved the previous question on the engrossment of the bill. The motion prevailed by the following vote:

## Yeas—17.

Beck.	Patton.
Gainer.	Russek.
Hardin.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Moore.	Williamson.
Neal.	Witt.
Parrish.	

## Nays—9.

Berkeley.	Holbrook.
Cousins.	Miller.
Cunningham.	Pollard.
DeBerry.	Woodul.
Greer.	

## Absent.

Martin.	Wirtz.
McFarlane.	Woodward.
Parr.	

The bill passed to engrossment by the following vote:

## Yeas—14.

Beck.	Parrish.
Cousins.	Patton.
Gainer.	Stevenson.
Hardin.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Moore.	Witt.

## Nays—10.

Berkeley.	Love.
Cunningham.	McFarlane.
DeBerry.	Pollard.
Greer.	Small.
Holbrook.	Woodul.

## Present—Not Voting.

Neal.

## Absent.

Martin.	Woodward.
Parr.	

## (Pairs Recorded.)

Senator Russek (present), who would vote yea with Senator Wirtz (absent), who would vote nay.

Senator Moore moved to suspend the constitutional rule requiring bills to be read on three several days and to put the bill on its third reading and final passage.

Senator Moore moved the previous question on his motion. The previous question was ordered by the following vote:

## Yeas—17.

Beck.	Parrish.
Cousins.	Patton.
Gainer.	Pollard.
Hardin.	Small.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Witt.
Moore.	

## Nays—10.

Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Neal.
Greer.	Stevenson.
Holbrook.	Woodul.

## Absent—Excused.

Parr.	Woodward.
-------	-----------

## (Pairs Recorded.)

Senator Russek (present), who

would vote yea with Senator Wirtz (absent), who would vote nay.

The constitutional rule failed to be suspended by the following vote:

**Yeas—19.**

Beck.	Parrish.
Cousins.	Patton.
Gainer.	Pollard.
Hardin.	Russek.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
Moore.	Witt.
Neal.	

**Nays—9.**

Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Small.
Greer.	Woodul.
Holbrook.	

Absent.

Woodward.

Absent—Excused.

Parr. Wirtz.

(Four-fifths vote required.)

**S. C. R. No. 12.**

Senator Neal sent up the following resolution:

Whereas, The Forty-first Legislature passed a law requiring a more comprehensive course of instruction in the history and meaning of the constitution of Texas and of the United States, etc., and an inclusion of such a course in the subjects offered to all applicants for teachers' certificates and diplomas, and

Whereas, This law is due to become effective June 17, 1929, and

Whereas, students who are preparing to complete their requirements for certificates and diplomas before August 31, 1929 undertook to carry out in good faith the courses prescribed in the law which was in effect when they began their year's work, and

Whereas, it will be impossible for many students to complete the prescribed courses for their degrees and also to meet these new certificate requirements by August 31, 1929, and

Whereas, The programs for the summer session of the colleges in

the State were completed before it was possible for the State Department to issue the administrative regulations defining how the new law is to be interpreted in terms of courses, now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, that the enforcement of this new law in all of its provisions be postponed until after the completion of the current school year, August 31, 1929.

NEAL,  
HYER.

Read and adopted.

**Messages from the House.**

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, May 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senators Neal, Cunningham and others.

S. B. No. 13, A bill to be entitled "An Act relating to the State Board of Education: providing for the appointment of the members of said Board; prescribing their qualifications, term of service, and duties; etc., and declaring an emergency."

With amendment.

H. B. No. 129, A bill to be entitled "An Act providing for a rural school supervisor in lieu of the teachers institute, as required under Article 2691, and providing for the payment of the salary of said rural school supervisor in counties having a population of 37,000 to 37,800, according to the Federal census of 1920, and a scholastic population of at least 10,000 as shown by the scholastic census report for the school year 1927-28, and declaring an emergency."

H. B. No. 190, A bill to be entitled "An Act amending Chapter 46, page 138, Section 1, of the Acts of the First Called Session of the Fortieth Legislature of Texas; and providing that county commissioners of counties having a population of not more than 5815 nor less than 5801 at the preceding Federal census, and which have an assessed valuation of not

more than seven million five hundred thousand nor less than six million five hundred thousand, and which do not contain a town or city of 2600 or more, shall receive a salary of seven dollars and fifty cents per day for each day the commissioner actually serves as such and in no case shall such salary exceed the sum of four hundred and fifty dollars per annum, and declaring an emergency."

H. B. No. 223, A bill to be entitled "An Act creating and establishing Cameron County Water Improvement District No. 12, in Cameron county, Texas, as a conservation and reclamation district, under the provisions of Section 59, of Article 16, of the Constitution of Texas, for the purpose of the reclamation and irrigation of its arid and semi-arid and other lands needing irrigation, reclamation and drainage, and all other purposes as contemplated by said Section 59, of Article 16, of the Constitution of this State, to be governed by the provisions of Chapter 2, Title 128, of the Revised Civil Statutes of Texas, Revision of 1925, and acts amendatory thereof and supplementary thereto, etc., and declaring an emergency."

H. B. No. 222, A bill to be entitled "An Act creating and establishing Cameron County Water Improvement District No. 11, in Cameron county, Texas, as a conservation and reclamation district, under the provisions of Section 59, of Article 16, of the Constitution of Texas, for the purpose of the reclamation and irrigation of its arid, semi-arid and other lands needing irrigation, reclamation and drainage of its overflowed lands, and other lands needing drainage, and all other purposes as contemplated by said Section 59, of Article 16, of the Constitution of this State, to be governed by the provisions of Chapter 2, Title 128, of the Revised Civil Statutes of Texas, Revision of 1925."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bill:

By Mr. Stevenson and others:

H. B. No. 170, A bill to be entitled "An Act providing for the appointment of a State Auditor; prescribing the qualifications and duties of said Auditor; providing for his necessary assistants and compensation, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 23, A bill to be entitled "An Act amending Art. 6196 of the Revised Civil Statutes of 1925 so as to provide for the discharge of convicts from the penitentiary in the county in which they were convicted; and declaring an emergency."

With Amendment.

By Senator Wirtz:

S. B. No. 51, A bill to be entitled "An Act to amend Article 2024 of the Revised Civil Statutes of 1925, relating to and providing for service of process by a constable in suits in which the sheriff is a party to, or interested in, said suit, so as to authorize the judge of the court in which any cause is pending to direct the sheriff of some adjoining county to serve any process or writ issued out of such court when it is made to appear that there is likewise no qualified and acting constable in any justice precinct of the county in which such process or writ is to be executed, or each qualified and acting constable in said county is likewise a party to, or interested in, said suit."

By Mr. Mosely:

H. B. No. 188, A bill to be entitled "An Act creating a special road law for Henderson County, Texas, requiring surety bonds of road overseers, containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929, setting forth the method of said operation, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Free Conference Requested.**

Senator Neal moved that the Senate not concur in the House amendments to S. B. No. 13 and request a Free Conference Committee instead. The motion prevailed.

The Chair appointed the following on the part of the Senate:

Senators Neal, Moore, Patton, Witt, Russek.

**House Bills Referred.**

H. B. No. 129 referred to Committee on Educational Affairs.

H. B. No. 222 referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 190 referred to Committee on State Affairs.

H. B. No. 223 referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 170 referred to Committee on State Affairs.

H. B. No. 188 referred to Committee on State Highways and Motor Traffic.

**Motion to Set Special Order.**

Senator Witt moved to set H. B. No. 155 as special order tomorrow morning after the morning call. The motion prevailed.

**Senate Bill No. 61.**

Senator Parrish moved to take up S. B. No. 61.

Senator Pollard moved to table the motion. The motion to table was lost by the following vote:

Yeas—11.

Cousins.	Russek.
Hardin.	Stevenson.
Hornsby.	Thomason.
Moore.	Westbrook.
Neal.	Woodul.
Pollard.	

Nays—12.

Beck.	Holbrook.
Berkeley.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Parrish.
Greer.	Small.

Absent.

Hyer.	Wirtz.
Love.	Witt.
Patton.	

**Absent—Excused.**

Parr.

(Pairs Recorded.)

Senator Williamson (present), who would vote aye with Senator Woodward (absent), who would vote nay.

The motion to take up the bill was lost by the following vote:

Yeas—12.

Berkeley.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Parrish.
Greer.	Patton.
Holbrook.	Small.

Nays—12.

Hardin.	Russek.
Hornsby.	Stevenson.
Hyer.	Thomason.
Moore.	Westbrook.
Neal.	Witt.
Pollard.	Woodul.

Absent.

Cousins. Love.

Absent—Excused.

Parr.

(Pairs Recorded.)

Senator Beck (present), who would vote yea with Senator Wirtz (absent), who would vote nay.

(Pairs Recorded.)

Senator Williamson (present), who would vote nay with Senator Woodward (absent), who would vote yea.

(Two-thirds vote required.)

**Executive Session Set.**

On motion of Senator Williamson, the Senate voted to go into executive session Monday at 2:00 o'clock p. m.

**Free Conference Requested.**

Senator McFarlane moved that the Senate not concur in the House amendment to S. B. No. 23 but ask for a Free Conference Committee. The motion prevailed.

The Chair announced the appoint-

ment of the following on the part of the Senate:

Senators Woodul, Parrish, Hardin, Holbrook, Stevenson.

### Senate Bill No. 86.

Senator Neal moved to take up S. B. No. 86. The motion prevailed by the following vote:

#### Yeas—21.

Beck.	Parrish.
Berkeley.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Moore.	Woodul.
Neal.	

#### Nays—3.

Martin.	Miller.
McFarlane.	

#### Absent.

Cousins.	Hardin.
Cunningham.	Russek.

#### Absent—Excused.

Parr.	Woodward.
Wirtz.	

The Chair laid before the Senate the following bill:

By Senator Neal.

S. B. No. 86, A bill to be entitled "An Act accepting the provisions and benefits of an Act of Congress passed June 2, 1920, and amended June 5, 1924 entitled 'An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise, and their return to civil employment,' etc., and declaring an emergency."

The bill was read second time.

#### Reason for Vote.

On the engrossment of Senate Bill No. 86 I vote no for the following reason:

I am in a peculiar position with respect to being in sympathy with rehabilitation work. I am in favor of society spending money for the rehabilitation of maimed and crippled citizens. I would support adequate appropriations of the State for

this work but I am opposed to this bill on account of having to match the Federal Government with funds and to have to subscribe to their domination, rules and regulations, as to its expenditures.

DeBERRY.

#### Motion to Adjourn.

Senator Martin moved to adjourn until 10:00 o'clock tomorrow morning. The motion was lost by the following vote:

#### Yeas—4.

Cunningham.	Miller.
Martin.	Russek.

#### Nays—22.

Beck.	Moore.
Berkeley.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Witt.
McFarlane.	Woodul.

#### Absent.

Cousins.	Williamson.
----------	-------------

#### Absent—Excused.

Parr.	Woodward.
Wirtz.	

### Senate Bill No. 86.

The question recurred upon the engrossment of S. B. No. 86.

Senator Love moved the previous question on the further consideration of the bill. The motion prevailed.

The bill passed to engrossment by the following vote:

#### Yeas—22.

Beck.	Neal.
Berkeley.	Parrish.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Moore.	Woodul.

## Nays—6.

Cunningham.	McFarlane.
DeBerry.	Miller.
Martin.	Russek.

Absent—Excused.

Parr.	Woodward.
Wirtz.	

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 86 was put on its third reading and final passage, by the following vote:

## Yeas—23.

Beck.	Neal.
Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Hornsby.	Westbrook.
Holbrook.	Williamson.
Hyer.	Witt.
Love.	Woodul.
Moore.	

## Nays—5.

Cunningham.	Miller.
Martin.	Russek.
McFarlane.	

Absent—Excused.

Parr.	Woodward.
Wirtz.	

The bill was read third time and finally passed by the following vote:

## Yeas—22.

Beck.	Neal.
Berkeley.	Parrish.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Moore.	Woodul.

## Nays—6.

Cunningham.	McFarlane.
DeBerry.	Miller.
Martin.	Russek.

Absent—Excused.

Parr.	Woodward.
Wirtz.	

## House Bill No. 101.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 101, A bill to be entitled "An Act creating a more efficient road system for McMullen County, Texas; etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 101 was put on its third reading and final passage, by the following vote:

## Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Parr.	Woodward.
Wirtz.	

The bill was read third time and finally passed by the following vote:

## Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Parr.	Woodward.
Wirtz.	

**House Bill No. 117.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 117, A bill to be entitled "An Act to levy and collect annually a three dollar road tax against able-bodied male citizens of Hood county, Texas, who are between the ages of twenty-one and forty-five years, providing the manner of assessment and collection of said tax; and repealing all laws in conflict therewith and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hardin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 117 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Parr.	Woodward.
Wirtz.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Parr.	Woodward.
Wirtz.	

**Simple Resolution No. 21.**

Senator Gainer sent up the following resolution:

Whereas, the Hon. R. A. Fuchs has agreed to furnish the Senate with an enlarged copy of the Declaration of Independence signed by the Texas Patriots at Washington, Washington County, Texas, March 2, 1836, and

Whereas, Said copy is readable, and attractive, and the Declaration itself a gem of literature, and said copy shows the names of the signers and

Whereas, It would be fitting that this copy be suitably framed and hung from the walls of the Senate, or placed in some other suitable place;

Therefore, Be it resolved by the Senate that the Board of Control cause the copy furnished to be framed and hung in some suitable place in the Capitol and that the expense thereof be paid out of the contingent expense fund of the Senate.

Cunningham, Pollard, Small, Hornsby, Westbrook, Thomason, Woodul, Patton, Martin, Neal, Beck, Holbrook, DeBerry, Williamson, McFarlane, Hyer, Russek, Hardin, Gainer, Parrish, Berkeley, Moore, Greer, Witt, Love, Stevenson, Miller.

The resolution was read and adopted.

**House Bill No. 97.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 97, A bill to be entitled "An Act to amend Articles 6205 and 6221, of Title 109, of the Revised Civil Statutes of 1925, and to amend Chapter 153 of the General Laws of the Forty-first Legislature, and declaring an emergency."

The Committee report carrying amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 97 was put on its third reading and final passage, by the following vote:

## Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.

## Absent—Excused.

Parr.	Woodward.
Wirtz.	

The bill was read third time and finally passed by the following vote:

## Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.

## Absent—Excused.

Parr.	Woodward.
Wirtz.	

## Motion to Adjourn.

Senator Russek moved to adjourn until 10:00 o'clock tomorrow morning.

Senator Holbrook moved to recess until 8:00 o'clock p. m.

The motion to adjourn prevailed and, at 6:05 o'clock p. m. the Senate adjourned.

## APPENDIX.

## Petitions and Memorials.

## (Telegram.)

Dallas, Texas, May 16, 1929.  
Hon. Thos. B. Love, Senator,  
Austin, Texas.

Please protest for me the increased tax on gasoline. Thanks.

W. A. Parr.

## (Telegram.)

Dallas, Texas, May 16, 1929.  
Hon. Thos. B. Love, Senator,  
Austin, Texas.

Vigorously protest for us the increase in gasoline tax. Thanks.  
Eight Greath Factories.

## (Telegram.)

Dallas, Texas, May 16, 1929.  
Hon. Thos. B. Love, Senator,  
Austin, Texas.

Please vigorously protest the increased tax on gasoline.  
American Iron and Metal Corp.

## (Telegram.)

Dallas, Texas, May 16, 1929.  
Hon. Thos. B. Love, Senator,  
Austin, Texas.

Please vigorously protest increased tax on gasoline for us. Thanks.  
Standard Show Case Works.

## (Telegram.)

Dallas, Texas, May 16, 1929.  
Hon. Thos. B. Love, Senator,  
Austin, Texas.

Vigorously protest for us the increase tax on gasoline. Thanks.  
Colonial Floral Shop.

## (Telegram.)

Dallas, Texas, May 16, 1929.  
Hon. Thos. B. Love, Senator,  
Austin, Texas.

Vigorously protest for us the increase in gasoline tax. Thanks.  
Southland Supply Co.

## (Telegram.)

Dallas, Texas, May 16, 1929.  
Hon. Thos. B. Love, Senator,  
Austin, Texas.

Please vigorously protest increase on gasoline tax for us. Thanks.  
Railton Sheet Metal Works.

## (Telegram.)

Dallas, Texas, May 16, 1929.  
Hon. Thos. B. Love, Senator,  
Austin, Texas.

Vigorously protest for us the increased tax on gasoline. Thanks.  
Boedeker Mfg. Co.

## (Telegram.)

Dallas, Texas, May 16, 1929.  
Hon. Thos. B. Love, Senator.

Please vigorously protest increased tax on gasoline. Thanks.  
C. E. GARDNER.

(Telegram.)

Dallas, Texas, May 16, 1929.  
Hon. Thos. B. Love, Representative,  
Austin, Texas.

Vigorously oppose increased gasoline tax, use your influence.

Richard Hellmann Co., Inc.

#### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 133 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller President of the  
Senate.

Sir: We your Committee on Engrossed Bills, have had S. B. No. 117 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 10 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 105 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 142 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 112 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

#### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We your Committee on Enrolled Bills, have had S. B. No. 100 carefully examined and compared and find the same correctly enrolled, and have this day at 11:25 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 44 carefully examined and compared and find the same correctly enrolled, and have this day at 11:25 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin Texas, May 17, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 99 carefully examined and compared and find the same correctly enrolled, and have this day at 11:25 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 42 carefully examined and compared and find the same correctly enrolled, and have this day at 11:25 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 134  
carefully examined and compared  
and find the same correctly enrolled,  
and have this day at 11:25 o'clock  
a. m. presented the same to the Gov-  
ernor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 87  
carefully examined and compared  
and find the same correctly enrolled,  
and have this day at 11:25 o'clock  
a. m. presented the same to the Gov-  
ernor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 9  
carefully examined and compared  
and find the same correctly enrolled,  
and have this day at 11:25 o'clock  
a. m. presented the same to the Gov-  
ernor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 24  
carefully examined and compared  
and find the same correctly enrolled,  
and have this day at 11:25 o'clock  
a. m. presented the same to the Gov-  
ernor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 26  
carefully examined and compared  
and find the same correctly enrolled,  
and have this day at 11:25 o'clock  
a. m. presented the same to the Gov-  
ernor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 115  
carefully examined and compared  
and find the same correctly enrolled,  
and have this day at 11:25 o'clock  
a. m. presented the same to the Gov-  
ernor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 114  
carefully examined and compared  
and find the same correctly enrolled,  
and have this day at 11:25 o'clock  
a. m. presented the same to the Gov-  
ernor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 25  
carefully examined and compared  
and find the same correctly enrolled,  
and have this day at 11:25 o'clock  
a. m. presented the same to the Gov-  
ernor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 111  
carefully examined and compared  
and find the same correctly enrolled,  
and have this day at 11:25 o'clock  
a. m. presented the same to the Gov-  
ernor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 109  
carefully examined and compared  
and find the same correctly enrolled,  
and have this day at 11:25 o'clock  
a. m. presented the same to the Gov-  
ernor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 104 carefully examined and compared and find the same correctly enrolled and have this day at 11:25 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 54 carefully examined and compared and find the same correctly enrolled, and have this day at 11:25 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 66 carefully examined and compared and find the same correctly enrolled, and have this day at 11:25 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 16 carefully examined and compared and find the same correctly enrolled, and have this day at 11:25 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, May 16, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred S. B. No. 176, A bill to be entitled "An Act to safeguard the public in the purchase of pure bred agricultural seed, true to name; providing that the State Board of Plant

Breeder Examiners shall be hereafter known as the State Seed and Plant Board; further defining their duties; establishing a system of registration and certification for agricultural field crops; providing that the State Seed and Plant Board shall prescribe all necessary rules and regulations and pass upon the applications of breeders and growers for registration and certification for agricultural field crops; providing; further, that the Commissioner of Agriculture shall make necessary inspections for the proper enforcement of said Act, and shall have printed tags placed upon bags and other containers of agricultural field seed offered for sale under the terms of this Act and shall charge a fee for same to enforce the provisions of this Act; prescribing penalties for the violation of said Act, providing that this Act shall be cumulative of Chapter 2, of Title 4, Vol. 1, Revised Civil Statutes of Texas of 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the Senate,

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 160, A bill to be entitled "An Act authorizing certain cities and counties to acquire and maintain and operate Air Ports; limiting the amount of land which may be acquired or held for such purpose; providing for the necessary funds for such purpose; providing regulation for the operation, maintenance and support of such Air Ports; enacting all necessary provisions incidental to the general purpose of the Act in providing for the acquisition maintenance and operation of said Air Ports; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 182, A bill to be entitled "An Act to provide more adequate compensation for County Judges in counties which have voted Road and Bridge bonds amounting to Six Million Dollars or more, and in addition, flood protection bonds amounting to One Million Dollars or more, and providing for the employment of a stenographer for such Judges; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill, that it be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 194, A bill to be entitled "An Act to amend Chapter Three, Title Sixty-seven, of the Revised Civil Statutes of Texas, by adding thereto Article 4056-A, and by authorizing the Game, Fish and Oyster Commissioner of Texas to lease a portion of Brazos Island for occupation for hunting, bathing and fishing purposes; enacting regulations relating thereto; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

H. B. No. 94, A bill to be entitled "An Act relating to banks and Bank and Trust Companies: amending Article 365, Revised Civil Statutes of Texas of 1925 so as to provide for the sale of stock to enforce payment of stock assessments in banks and Bank and Trust Companies;

amending Article 370 of said Statutes; defining the duties and discretion of the Banking Commissioner in connection with taking charge of and liquidating Banks and Bank and Trust Companies; enacting provisions protecting the rights of creditors of bank and Bank and Trust Companies in cases of decrease of the capital stock of such corporations; declaring the rule where banks or Bank and Trust Companies receive checks, drafts or bills of exchange; amending Article 514, Revised Civil Statutes of 1925 so as to eliminate that portion of same which prohibits banks and Bank and Trust Companies from alienating real estate to any one interested directly or indirectly in said company; amending Article 358, Revised Civil Statutes of 1925; prescribing the number of examinations per year of banks and Bank and Trust Companies by the Banking Department; amending Article 350, Revised Civil Statutes, 1925, as amended so as to provide for assistant bank examiners and prescribing their compensation and traveling expenses; enacting provisions incidental to the subject and purposes of the Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Vice-Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

H. B. No. 91, A bill to be entitled "An Act relating to banks and bank and trust companies; enacting provisions to prevent false advertisement of the condition of banks and Bank and Trust Companies and providing penalties and forfeiture; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Vice-Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on State  
Affairs, to whom was referred

H. B. No. 97, A bill to be entitled  
"An Act to amend Articles 6221 of  
Title 109 of the Revised Civil Stat-  
utes of 1925, and amended by  
Chapter 153 of the General Laws  
of the Regular Session of the 41st  
Legislature, repealing Article 6222A  
of said Chapter and all other laws  
in conflict herewith; and declar-  
ing an emergency."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass with  
the attached committee amend-  
ment, and that it be not printed.

WIRTZ, Chairman.

Amend H. B. No. 97 by striking  
out all after the enacting clause  
and inserting in lieu thereof the  
following:

"Section 1. That Article 6221 of  
Title 109 of the Revised Civil  
Statutes of 1925, and amended by  
Chapter 153 General Laws of the  
Regular Session of the 41st Legis-  
lature be so amended as to here-  
after read as follows:

Article 6221. On the first day of  
September and on the first day of  
March of each year the Comptroller  
shall first allot to each Confederate  
Veteran who is now drawing a pen-  
sions, or whose application may be  
hereafter approved, the sum of  
Twenty-five (\$25.00) Dollars per  
month for each year. To each wid-  
ow of a Confederate Veteran who  
was born prior to January 1, 1854,  
who is now drawing a pension, or  
whose application may be hereafter  
approved, the sum of Twenty-five  
Dollars per month for each year;  
provided, further, that no pen-  
sioner shall ever draw a larger sum  
than a Confederate Veteran, and  
the remainder of said appropriation  
shall be equally prorated among the  
pensioners in indigent circum-  
stances, and whose claims to pen-  
sions have been established and fil-  
ed; and the Comptroller shall issue  
his warrants for the amounts due  
said pensioners in the manner pro-  
vided by law at the end of each  
quarter. All such pensions shall  
begin on the first day of the quar-  
ter next succeeding filing and es-

tablishment of such application.  
After the apportionment the Comp-  
troller may fill any vacancies creat-  
ed by death or other causes at any  
time between the first day of March  
and the first day of September,  
each year. Provided that it shall  
not be necessary for any Confed-  
erate Veteran otherwise eligible to a  
pension to be indigent or disabled  
or to show indigency or disability  
in his application in order to be en-  
titled to said pension.

Sec. 2. That Article 6222a of  
Chapter 153 General Laws of the  
Regular Session of the Forty-first  
Legislature and all other laws in con-  
flict herewith are hereby repealed.

Sec. 3. The fact that the Con-  
federate veterans and the widows  
of Confederate veterans whose ages  
are more than seventy-five years,  
and their present pension is inade-  
quate to maintain them in their pres-  
ent places of abode, and the further  
fact that such veterans and their  
widows are rapidly passing away,  
and the postponement of such addi-  
tional benefit to them will mean un-  
due privation in their declining  
years, which this State is unwilling  
to inflict upon them, create an emer-  
gency and an imperative public ne-  
cessity that the constitutional rule  
requiring bills to be read on three  
several days in each House be sus-  
pended, and said rule is hereby sus-  
pended, and that this Act shall take  
effect and be in force from and after  
its passage, and it is so enacted.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Crim-  
inal Jurisprudence, to whom was re-  
ferred

H. B. No. 84, A bill to be entitled  
"An Act to repeal Article 1066, Title  
15, Chapter 4, Code of Criminal Pro-  
cedure of Texas, 1925; and declar-  
ing an emergency."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass and  
be not printed.

MILLER, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 85, A bill to be entitled "An Act to amend Article 1052, Title 15, Chapter 3, Code of Criminal Procedure of Texas, 1925, as amended by Chapter 104 Acts of the Forty-first Legislature, Regular Session, by omitting therefrom the concluding portion of Section 1 relating to the taxing, collecting and paying into the treasury of fines and costs heretofore authorized for justices of the peace, or judges; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MILLER, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred,

H. B. No. 86, A bill to be entitled "An Act to amend Article 1074, Title 15, Chapter 4, Code of Criminal Procedure of Texas, 1925, amended by Chapter 236, Acts of the Regular Session of the Forty-first Legislature, so as to provide a trial fee of Five Dollars in both the Justice and the Trial Courts in misdemeanor cases; and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MILLER, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred,

H. B. No. 221, A bill to be entitled "An Act creating and establishing Cameron County Water Improvement District Number Ten in Cameron County, Texas, as a Conservation and Reclamation District, etc; and declaring an emergency."

Have had the same under consideration and I am instructed to re-

port it back to the Senate with the recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred,

H. B. No. 222, A bill to be entitled "An Act creating and establishing Cameron County Water Improvement District Number Eleven, in Cameron County, Texas, as a Conservation and Reclamation District, etc; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred,

H. B. No. 223, A bill to be entitled "An Act creating and establishing Cameron County Water Improvement District Number Twelve, in Cameron County, Texas, as a Conservation and Reclamation District, etc; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room,  
Austin, Texas, May 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

H. B. No. 196, A bill to be entitled "An Act amending Article 1377 of the Penal Code of Texas, as revised in 1925, providing for a more efficient law prohibiting hunting or fishing on the inclosed lands of another without the consent of the owner of the lands; and providing that this Act shall not apply to any of said inclosed lands, the owner of which has such lands leased at said

time for hunting or fishing privileges for a greater sum than 25 cents per acre, or has charged any person a greater sum than \$4.00 per day per person for the privilege of hunting thereon in which any prosecution may be filed hereunder; providing for a penalty of a violation thereof and repealing Article 1378 of the Penal Code of Texas, as revised in 1925, and all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

MILLER, Vice-Chairman.

By Graves of William- H. B. No. 196.  
son and Petsch.

A BILL  
To Be Entitled

An Act amending Article 1377 of the Penal Code of Texas, as revised in 1925, providing for a more efficient law prohibiting hunting or fishing on the inclosed lands of another without the consent of the owner of the lands; and providing that this Act shall not apply to any of said inclosed lands, the owner of which has such lands leased at said time for hunting or fishing privileges for a greater sum than twenty-five cents per acre, or has charged any person a greater sum than \$4.00 per day per person for the privilege of hunting thereon for the year in which any prosecution may be filed hereunder; providing for a penalty of a violation thereof and repealing Article 1378 of the Penal Code of Texas, as revised in 1925, and all laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 1377 and 1378 of the Penal Code of State of Texas, as revised in 1925, be so amended as to hereafter read as follows:

"Article 1377. Whoever shall enter upon the inclosed lands of another without the consent of the owner, proprietor or agent in charge thereof, and therein hunt with firearms or thereon catch or take any fish from any pond, lake, tank or stream or in any manner depredate

upon the same, shall be punished by fine of not less than \$10.00 and not more than \$200.00 and by a forfeiture of his hunting license, and the right to hunt for a period of one year from the date of his conviction. By inclosed is meant such lands as are in use as agricultural lands or for grazing purposes or for any other purpose, and inclosed by any structure for fencing either of wood or iron or combination thereof, or wood and wire, or partly inclosed by a fence of iron or wood, or wood and iron, or wood and wire and partly by water or stream, canyon, brush or rock or bluffs or any islands. Proof of ownership of lease may be made by parol testimony. Provided, however, this law shall apply only to such inclosed lands, the owner whereof has not leased or rented for hunting, fishing or camping privileges nor received by any means or contracted to receive, a total rental for one year or less, a sum in excess of twenty-five cents per acre, or where not more than \$4.00 per day per person is charged for such hunting, fishing or camping purposes; and providing that this exemption shall exist for a period of one year from the date of the receipt of such rentals or such excess charge; and that no exemption shall exist as to any lands, the rental of which was paid prior to January 1, 1929.

Sec. 1a. It is hereby made unlawful for any person to enter upon the inclosed lands of another, either with or without the owner's consent, and hunt thereon with firearms, for a period of one year after such person's right to hunt has been taken away from him under a violation of the provisions of Article 1377 as herein amended.

Sec. 2. It is hereby made the duty of all game wardens to secure the hunting license and names and addresses of any and all persons by them found to be unlawfully upon the inclosed lands of another for the purpose of hunting or fishing, and to appear in court to testify as witnesses in the trial of the case. Any person found upon the inclosed lands of another without the owner's consent, shall be subject to arrest by any peace officer, and such may be made without warrant of arrest.

Sec. 3. All laws and parts of laws in conflict herewith to be and the same are hereby repealed.

Sec. 4. The fact that there is now no law providing for an adequate protection of the owners of farms and ranches on the one hand and the hunters on the other, the first from unjust depredations by unscrupulous hunters and the second from unfair and exorbitant rental charges, creates an emergency and an imperative public necessity and demands that the Constitutional Rule requiring bills to be read on three several days be suspended, and that this Act take effect from the date of its passage, and it is hereby so enacted.

Committee Room,  
Austin, Texas, May 17, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 135, A bill to be entitled "An Act to prevent fraud in the purchase of gasoline and oil and to assure correct measurement and declaring the retail sale of gasoline and oil to be affected with a public interest; providing for the licensing of operators of pumps or devices for the measurement of gasoline and oil, and providing for the issue of such licenses; prescribing a fee to be paid for such licenses and specifying the distribution of said fees; providing the term and form of such licenses and the liability of those to whom such licenses are issued; making it unlawful for any person to engage in the measuring or dispensing of gasoline or oil to the public without first securing such license; prescribing certain tolerances; prescribing when Act shall become effective; providing for the cancellation of license for violation of the provisions of this Act; defining offenses; prescribing penalties; providing the holding of one Section or provision of this Act unconstitutional shall not invalidate any other section or provision; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MILLER, Vice-Chairman.

By Cox of Limestone. H. B. No. 135.

#### A BILL

#### To Be Entitled

An Act to prevent fraud in the purchase of gasoline and oil and to assure correct measurement and declaring the retail sale of gasoline and oil to be affected with a public interest; providing for the licensing of operators of pumps or devices for measurement of gasoline and oil, and providing for the issue of such license; prescribing a fee to be paid for such lition of said fees; providing the term and form of such licenses and the liability of those to whom such licenses are issued; making it unlawful for any person to engage in the measuring or dispensing of gasoline or oil to the public without first securing such license; prescribing certain tolerances; prescribing when Act shall become effective; providing for the cancellation of license for violation of the provisions of this Act; defining offenses; prescribing penalties; providing the holding of one section or provision of this Act unconstitutional shall not invalidate any other section or provision; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Correct measurement in the retail sale of gasoline and oil and the prevention of fraud upon the public is the purpose of this law and the measurement of gasoline in its retail sale to the public is hereby declared to be affected with a public interest and it is the specific purpose of this law to bring about accurate measurement in such sales.

Sec. 2. From and after the time this Act becomes effective every person who shall engage in operating any gasoline or oil pump or measuring device used in the retail sale of gasoline or oil to the public shall before operating such pump or device procure a license from the Commissioner of Agriculture as provided by the terms of this Act, authorizing such person to operate such pump or measuring device, provided that the Commissioner of Agriculture may authorize the county clerk, city clerk, city recorder, city inspectors of weights and measures, or

employees of the Weights and Measures Division of the Department of Agriculture to issue such license, and provided, further, that such license shall be on form prescribed and furnished by the Commissioner of Agriculture. Be it further provided, however, not more than one person shall be required to secure a license for each retail establishment for the sale of gasoline and oil under this Act.

Sec. 3. All persons issuing li- of each calendar month make and furnish to the Commissioner of Agriculture a report showing the serial number and date of each license issued by him during the previous calendar month, and the names and addresses of the parties to whom issued, provided that said report shall be forwarded to the Commissioner with remittance of all fees due the State under the terms of this Act and the stubs of all license books exhausted.

Sec. 4. The license herein described shall entitle the holder thereof to operate gasoline or oil pumps or measuring devices used to measure gasoline and oil for retail sale to the public until and including the thirty-first (31st) day of August next succeeding the date of the issue of said license.

Sec. 5. Said license shall bear a brief description of the person to whom it was issued and shall bear a statement which shall be signed by the licensee that he will not operate any gasoline or oil pump or measuring device with knowledge that same is giving an incorrect measure and that he will not operate or manipulate any such pump or measuring device or any appurtenances connected therewith in such manner as to cause such pump or measuring device to deliver to the buyer a less quantity of gasoline or oil shown by such pump or device to be delivered.

Sec. 6. For each license issued under the terms of this Act the licensee shall pay a fee of One Dollar and twenty-five cents (\$1.25), for the first pump or measuring device and seventy-five cents (\$0.75) for each additional pump or measuring device, which fee shall be paid to the officer issuing the license. All fees so collected, except as herein-after provided, shall be forwarded

as provided in Section 2 of this Act to the Commissioner of Agriculture at Austin, Texas; provided, that County Clerks, City Clerks or City Recorders, and City Inspectors of Weights and Measures issuing licenses shall receive a fee of twenty-five cents (\$0.25) for each license so issued, and the remainder of all fees collected by them under the terms of this Act shall be forwarded to the Commissioner of Agriculture as provided in Section 2 of this Act.

Sec. 7. All monies paid under the terms of this Act shall be paid into the State Treasury.

Sec. 8. Any person who shall operate any pump or device for measuring gasoline or oil for retail sale to the public without first procuring and then having a license, secured in conformity with the terms of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than Ten (\$10.00) Dollars, nor more than Fifty (\$50.00) Dollars, provided that each day of operation of such pump or measuring device without such license shall constitute a separate offense.

Sec. 9. Any person who shall operate a pump or device for measuring gasoline or oil for retail sale to the public, who shall refuse to show the license provided for by the terms of this Act to the Commissioner of Agriculture or his authorized representative or to any dealer of weights and measures, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars.

Sec. 10. Any person, firm, or corporation engaged in the retail sale of gasoline or oil to the public, who shall hire or employ any person to operate any retail establishment for the sale of gasoline and oil, who does not have in his possession a valid license, the issue of which is provided by the terms of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars; provided, each day that any person, firm, or corporation shall permit the operation of a gasoline or oil pump, or other device, for the retail sale of gasoline and oil by any person who

has not in his possession a license as provided by this Act shall constitute a separate offense.

Sec. 11. Any person who shall knowingly sell or deliver or knowingly permit the sale and delivery of a less quantity of gasoline or oil than is represented to be delivered by the pump or measuring device operated by him, or permitted to be operated by him, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars and upon the second conviction for such offense his license shall be cancelled by the Commissioner of Agriculture and no license shall be issued to him under the terms of this Act until the expiration of twelve calendar months from the date of cancellation; provided that if any person shall be convicted of a violation of this Law the third time, his license shall be cancelled by the Commissioner of Agriculture and no license shall ever be issued to him under the terms of this Act. Be it further provided, however, no person shall be prosecuted under the terms of this Act for giving short measure in the sale of gasoline unless the shortage exceeds the following tolerance:

In sales of one-half gallon or less two cubic inches; in sales of more than one-half gallon and less than 2 gallons, 3 cubic inches; in sales of 2 gallons or more and less than 3 gallons, 4 cubic inches; in sales of 3 gallons or more and less than 4 gallons, 5 cubic inches; in sales of 4 gallons or more and less than 5 gallons, 6 cubic inches; in sales of 5 gallons or more and less than 6 gallons, 7 cubic inches; in sales of 6 gallons or more and less than 7 gallons, 8 cubic inches; in sales of 7 gallons or more and less than 8 gallons, 9 cubic inches; in sales of 8 gallons or more and less than 9 gallons, 10 cubic inches; in sales of 9 gallons or more and less than 10 gallons, 11 cubic inches; in sales of 10 gallons or over, 12 cubic inches.

Sec. 12. This Act shall be in force and effect from and after September 1, 1929.

Sec. 13. Each Section of this Act and every provision of each Section, is hereby declared to be an independent Section or provision, and if any Section or provision shall be

held void by any court of competent jurisdiction for any reason whatsoever it shall not operate to void or vitiate any other Section or provision of this Act.

Sec. 14. The fact that there is no law in this State regulating the measurement of gasoline or oil sold at retail to the public or providing for the supervision of such measurement or for the licensing of those measuring and selling said products to the public, and the further fact that the public should be protected against short measurements and dishonest dealing in the sale of gasoline and oil, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after September 1, 1929, and it is so enacted.

Committee Room.

Austin, Texas, May 17, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 170, A bill to be entitled "An Act providing for the appointment of a State Auditor and Efficiency Expert, prescribing the qualifications and duties of said Auditor, providing for his necessary assistants and compensations, providing for the removal of said Auditor and his assistants, prescribing penalties, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

MILLER, Chairman.

By Stevenson et-al. H. B. No. 170.

#### A BILL

#### To Be entitled

An Act providing for the appointment of a State Auditor and Efficiency Expert; prescribing the qualifications and duties and authority of said auditor; providing for his necessary assistants and compensations; providing for the removal of said auditor and his assistants; prescribing penalties; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Appointment. The Governor, the Speaker of the House of Representatives and the Lieutenant Governor, shall, by a majority vote, immediately on the taking effect of this Act, appoint an investigator of all custodians of public funds and disbursing officers of this State and personnel of departments, the title of said officer to be State Auditor and Efficiency Expert, who shall hold his office until February 1, 1931, and thereafter said appointment shall be subject to the approval of the Senate and House of Representatives and for a term of two years.

Sec. 2. Qualifications. Said Auditor shall be a man of unquestioned intelligence and moral character, who is experienced in auditing and efficiency details of Governmental departments and business. He shall qualify by taking the oath required of other State officials and shall execute a bond to be approved by the appointing power, payable to the Governor of the State of Texas and his successors in office in the sum of Twenty-five Thousand (\$25,000.00) Dollars, conditioned upon the faithful performance of the duties of his office, with a solvent surety company as surety and the premium due the surety company for such execution shall be paid by the State.

Sec. 3. Duties. Said Auditor is hereby granted the authority to inspect all the books and records of all the officers, departments and institutions of the State Government and shall make a complete and thorough investigation of all custodians of public funds and disbursing officers of this State and shall have continual access to and shall examine all the books, accounts, reports, vouchers and other records of any office, department, Institution, Board or Bureau of the State, and shall investigate the efficiency of the personnel and clerical forces thereof, and shall keep a proper record of his investigations. All present auditors of each and every department and institution are hereby required to furnish assistance to said auditor and to permit an inspection of their several reports, at all times.

Sec. 4. In addition to the other duties provided for said auditor, he

shall thoroughly examine all departments of the State Government with special regard to their activities and the duplication of efforts between departments, and the efficiency of the subordinate employees in each of such several departments. He shall examine into the work done by the subordinate employees in the several departments of the State Government.

Upon completing the examination of any department he shall furnish the head of said department with a report on (a) the efficiency of the subordinate employees; (b) the status and condition of all public funds in charge of said department; (c) the amount of duplication between work done by the department so examined and other departments of the State Government. He shall also make recommendations to the said head of the departments for the elimination of duplication and inefficiency. A copy of each such report submitted by said officer to the head of the department shall be forthwith furnished to the Governor, the Speaker of the House, and the President of the Senate.

Sec. 5. Reports. At the beginning of each Session of the Legislature the said auditor shall make duplicate reports, one to the Senate and one to the House of Representatives, of his audits and investigations and said report shall show the status of the public funds of this State, the expense of operation of all departments, Institutions, Boards and Bureaus, separately of this State, all breaches of trust and duty, if any, by any officer, department, Institution, Board, Bureau or other custodian of public funds and disbursing officers and shall recommend to the Legislature such changes as he deems necessary to provide uniform, adequate and efficient systems of records and accounting in each Department, Institution, Board and Bureau, and in making such recommendation shall take into consideration the present system of keeping books, records accounts and reports in order that the transaction may be gradual in any changes suggested and in order that past and present records will dovetail into the new system. Said reports shall also show all salaries fixed by Constitution, by law and by other au-

thority and show all special funds and other funds and the law authorizing same, and said suggested changes to be for economy and for the purpose of reducing clerical forces. Said auditor and efficiency expert shall file an annual report with the Governor, and he shall also furnish the Governor with a copy of the biennial report prepared for the Legislature. In all reports furnished to the Legislature said auditor and efficiency expert shall embrace copies of any reports or recommendations furnished to the head of any department since the last preceding report made to the Legislature.

Sec. 6. Assistants. In the event said Auditor shall find it necessary to have assistance in the discharge of the duties herein imposed upon him, he may apply to the Governor, the Speaker of the House and the Lieutenant Governor for such assistance and they are hereby authorized, in their discretion, to appoint such assistant or assistants, including stenographic and clerical assistance, as they may consider necessary, in order to accomplish the purposes of this Act.

Sec. 7. Compensation and Removal. The said Auditor shall devote his entire time to the discharge of the duties herein imposed upon him, shall maintain his office in the Capitol and the Board of Control is directed to furnish suitable quarters, supplies and stationery for said Auditor, and said Auditor shall receive for his services not to exceed the sum of Seven Thousand Five Hundred (\$7,500.00) Dollars per annum, and necessary traveling expenses payable monthly in the same manner as other State officials are paid; and in the event of the appointment of an assistant or assistants, he, or they, shall each be paid not to exceed the sum of Four Thousand Two Hundred (\$4,200.00) Dollars per annum, payable monthly in the same manner as other State officials are paid, all salaries to be in the discretion of the appointing power, including compensation of stenographic and clerical assistance, subject only to the limitation herein imposed. Said Auditor or any assistant or employee under this Act may be removed or discharged at any time by the appointing power

and their respective positions filled by other appointments.

Sec. 8. Penalty. Any officer or person who shall refuse to permit the examination or access to the books, accounts, reports, vouchers, papers, documents or cash drawer or cash of his office, department, institution, board or bureau of the State to the State Auditor and Efficiency Expert, or who shall in any way interfere with such examination, shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, or by imprisonment in the county jail for not less than one (1) month nor more than twelve (12) months, or by both such fine and imprisonment.

Sec. 9. The fact that there is now no State Auditor and no official designated to audit and investigate the custodians of public funds and the various departments of the State Government creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended and said rule is suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### SEVENTEENTH DAY.

Senate Chamber,  
Austin, Texas,

Saturday, May 18, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem Eugene Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	